

Zoning Board of Appeals  
Village of Tarrytown  
Regular Meeting  
January 9, 2017 7:30 p.m.

PRESENT: Chairwoman Lawrence, Members Maloney, Jolly, Weisel and Rachlin;  
Counsel Addona; Village Engineer Pennella; Secretary Meszaros

Chairwoman Lawrence called the meeting to order at 7:32 pm.

APPROVAL OF THE MINUTES – December 12, 2016

Ms. Weisel moved, seconded by Mr. Maloney, with Ms. Lawrence abstaining, that the minutes of December 12, 2016 be approved as submitted. All in favor. Motion Carried.

NEW PUBLIC HEARING - Victor Sant'Anna & Sara Elliot – 15 E. Franklin Street

Counsel Addona read the Public Hearing Notice:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 7:30 p.m. on Monday, January 9, 2017, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Victor Sant'Anna and Sara Elliott  
15 East Franklin Street  
Tarrytown, NY 10591

For variances from Chapter 305 of the Village of Tarrytown Code ("Zoning Code") for the conversion of a 3 family dwelling to a 2 family dwelling with a rear deck and front steps.

The property is located at 15 East Franklin Street, Tarrytown, NY, and is shown on the tax maps as Sheet 1.80, Block 50, Lot 1 and is in the R-10 Zone.

**The variances sought are as follows:**

<b>Zoning Code Section</b>	<b>Description of Section</b>	<b>Required by Zoning Code</b>	<b>Existing on Property</b>	<b>Proposed by Applicant</b>	<b>Variance Required</b>
305-63 C (3)	Front yard setback for parking	25 ft.	1.5 ft.	1.5 ft.	23.5 ft.
305-63 D (1)	Minimum off street parking for (2 family dwelling)	4 spaces	2 spaces	2 spaces	2 spaces

305-47 B (3)	Front yard setback (front yard stair)	20 ft.	8.5 ft.	0 ft.	20 ft.
305-47 E (1)	Side yard setback (side yard deck)	25 ft.	26 ft.	11 ft.	14 ft.

Additional approvals related to the above referenced project will be needed from the Architectural Review Board.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting.

By Order of the Zoning Board of Appeals

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: December 30, 2016

The certified mailing receipts were submitted and the signs were posted.

Board members visited the property.

Ms. Lawrence read into the minutes a letter from Mark and Linda Davies, of 11 E. Franklin Street, who live next door, who are in support of this application. This letter will become part of the record.

Victor Sant'Anna introduced himself and his wife, Sara Elliot, who recently purchased 15 E. Franklin Street with the intention to live there. As part of this project, they want to decrease the number of units from 3 to 2, making the basement level into a second unit.

They also would like to remove existing side door and landing along Grove Street and put an entrance on E. Franklin Street.

They are seeking parking variances for 2 spaces. Currently there is a 3 space renewal variance. Also, they are asking for a variance for the steps in the front yard and for a variance to build a deck for easier access to the backyard.

Mr. Sant'Anna said he has discussed this project with the neighbors (The Davies and the Kitty and Alex (no last name), who live at 61 Grove Street), who are all supportive of the project.

Ms. Lawrence asked the need for the steps to be in the front of the house. Mr. Sant'Anna said it would make more sense to have the approach of the house match the address of the house.

Ms. Lawrence commented that this house will be larger. With regard to the parking variances, NYS Law says you either have the variance or you don't. There is no renewal process. Counsel Addona said that is correct but this Board may impose other conditions related to the variance just not a specific time frame, and, this Board does have standard conditions such as linking it to a plan and use of property.

Mr. Pennella said that with regard to the relocation of the entrance, the plans indicate that the last step is outside the property line. If you approve, this application, the plan will need to be revised to have the step be moved into the property and not in the village right-of-way.

Counsel Addona said the notice is fine but revised plans would have to be submitted showing this change.

Ms. Lawrence asked Mr. Sant'Anna about the need for the deck.

Mr. Sant'Anna said the deck will enable access to get to the backyard without having to going out the side and around to the backyard. He said he has 2 small children.

He explained that the setback line is almost at the ridge of the house.

Mr. Pennella asked Mr. Sant'Anna to explain the configuration of the units.

Mr. Sant'Anna presented a plan and showed the back of the house with the deck. He said he wants to remove the landing and door and take it back to the original condition and put a second unit in the basement.

Ms. Weisel asked where main entrance to basement will be. Mr. Sant'Anna said it will be on the side. It will be a shared basement with access to garage. Utilities are also located in the basement. The third floor of the home is already finished.

Ms. Lawrence asked if anyone had any questions. No one appeared.

Mr. Jolly asked about a sprinkler system. Village Engineer Pennella said that the applicant will be installing a system throughout the house.

Mr. Jolly asked about access to basement. Mr. Sant'Anna said there will be a graveled pathway to the entrance to the basement.

Ms. Lawrence noted that there are only 2 parking spaces. Mr. Sant'Anna said the tenant will have to park on the street. Mr. Maloney said that you can also use the garage.

Ms. Lawrence said she has no problem with the variances since they are reducing the units from a 3 to 2 family and are also reducing the parking need. She also said the front step will look more attractive to the house.

Ms. Lawrence asked the Board if anyone had any questions.

Counsel Addona stated that this is a Type II action and no further action is required for SEQRA.

Mr. Maloney moved to close the Public Hearing, seconded by Ms. Lawrence. All in favor. Motion carried.

Ms. Lawrence read through the criteria.

1. *That no undesirable change will be produced in the character of the neighborhood nor will a detriment to nearby properties be created by the granting of the area variance.* Ms. Lawrence said this will be a benefit since they are reducing the number of units.
2. *That the benefit sought by the applicant cannot be achieved by some method, feasible for the applicant to pursue, other than an area variance;* Ms. Lawrence sees no other method.
3. *That the requested area variance is not substantial;* Ms. Lawrence said that the variances are not substantial.
4. *That the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and no adverse affect.* Ms. Lawrence does not feel that there will be any adverse impact as a result of this project.
5. *That the alleged difficulty was not self-created which consideration shall be relevant to the decision of the Board of Appeals but shall not necessarily preclude the granting of the variance.*

Mr. Maloney moved, seconded by Mr. Jolly, that this variance be granted subject to the Building Inspector with revised plans and conditions of approval as discussed. All in favor. Motion carried.

Counsel Addona advised that she will draft a Resolution memorializing the Board's discussion and decision.

NEW PUBLIC HEARING – Trevor Spearman, RA – 12 Storm Street

Counsel Addona read the Public Hearing Notice:

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the Village of Tarrytown will hold a public hearing at 7:30 p.m. on Monday, January 9, 2017, in the Municipal Building, One Depot Plaza, Tarrytown, New York to hear and consider an application by:

Trevor Spearman, RA  
245 Saw Mill River Road #106  
Hawthorne, NY 10532

For variances from Chapter 305 of the Village of Tarrytown Code (“Zoning Code”) for an addition to the rear of a single family home.

The property is located at 12 Storm Street, Tarrytown, NY, and is shown on the tax maps as Sheet 1.40, Block 11, Lot 3 and is in the GB Zone. Variances requested are:

Description	Permitted	Existing	Proposed	Variance Required
§305-40: Attachment 10, Column [8] Building Coverage	18% or 875 S.F.	17.2% or 838 S.F.	26.1% or 1,269 S.F.	8.9% or 394 S.F.
Attachment 10, Column [10] Total Coverage (all buildings)	22.5% or 1,094 S.F.	21.9% or 1,068 S.F.	26.1% or 1,269 S.F.	3.6% or or 175 S.F.
Attachment 10, Column [12] Side Yard Setback	16 ft.	n/a	3.1 ft.	12.9 ft.
Attachment 10, Column [13] Two Side Yards Setback	34 ft.	12.9 ft.	14.7 ft.	19.3 ft.
Attachment 10, Column [18] Maximum Height (Stories)	2.5	2	3	1 Story
Attachment 10, Column [19] Maximum Height (ft.)	25 ft.	28.5 ft.	32.5 ft.	7.5 ft.

Additional approvals related to the above referenced project will be needed from the Architectural Review Board.

Documents are available for inspection in the Planning and Zoning Office at Tarrytown Village Hall. All interested parties are invited to attend and be heard. Access to the meeting room is available to the elderly and the handicapped. Signing is available for the hearing impaired; request must be made to the Village Clerk at least one week in advance of the meeting. By Order of the Zoning Board of Appeals.

Lizabeth Meszaros  
Secretary to the Zoning Board

Dated: December 30, 2016

The certified mailing receipts were submitted and the signs were posted.

Board members visited the property.

Trevor Spearman, RA, introduced Mr. Phelps, the owner of 12 Storm Street. Mr. Spearman explained that they are proposing the construction of a rear addition to the existing home at 12 Storm Street. This property expands all the way through to Central Ave. He said that his client enjoys the property; has 3 young children and there is a need to expand at this time.

Mr. Spearman showed a rendering of the plan and explained that it is a 2 ½ to 3 story addition. The existing 2<sup>nd</sup> floor will come out and be a master bedroom suite. The idea is to create more viable bedrooms on the 2<sup>nd</sup> floor with a master bedroom.

The living room and kitchen is on the 1<sup>st</sup> floor. Currently this is all open space. The new plan would allow for a TV nook and better use for the first floor.

The lowest level is a finished playroom, which is accessible from the rear of the house. They would have a mud room space, home office, and an overflow guest bedroom. Mr. Phelps currently has a little office which he uses to work from home.

There is a studio addition for storage space, similar to existing structure but is beat up and run down. This structure goes over property line to the east by 1.8 feet. They want it to come back in and align it with portion of the main house. The benefit to that is they would be able to have windows. They also have a relatively flat lot and would like to keep the use of the yard.

Mr. Spearman stated that this project will not interfere with any views or vistas from the neighbors and he sees no undesirable change since the addition is to the rear.

The new roof will be replaced and is in need of repair. The roof pitch will increase the height, which is why they are asking for the height variance.

With regard to the setbacks requested, Mr. Spearman said if this was a commercial structure in GB zone, they would not have these setback requirements. He explained that the addition is not tremendously large and they are not asking for large rooms. The appearance from Storm Street is not affected in any way shape or form. He feels there is no other method, because setbacks and coverage would be affected more.

Mr. Spearman also explained that they have mitigated the structure that is over the property line which is a huge benefit. He explained that the family would like to stay here but needs more room.

Ms. Lawrence asked if anyone had any questions.

Diane Tuohy, of 11 Storm Street, who lives directly across the street, came to the podium and said she was here to show her support for this project. The Phelps' have turned this home into a sweet gem and we want them to stay. This project will not affect her view, it will enhance the neighborhood and they are not asking for much.

Ms. Lawrence asked about the parking. Mr. Spearman said that the parking is in the rear, off of Central Avenue. There are 2 (9' x 18') required spaces. The driveway entrance is off of Central Avenue but was not visible due to the snow.

Ms. Lawrence asked about the need for the unheated storage facility. Mr. Phelps said he stores paper products for packaging design and there is a need to keep them dry.

Ms. Lawrence is concerned about the height of the house and she asked to see the front of house with regard to the roof height.

Mr. Spearman said the total increase in height proposed is 4 feet. He showed before and after pictures and explained that the total height will be around the 8 foot mark, which is quite subtle. And he stated that in the back it does not peak quite as high.

Ms. Lawrence said you are near a 4 family house which is larger. Mr. Spearman yes and it is more elevated than our structure.

Mr. Phelps said when you face Storm Street we are on the downside. Ms. Lawrence said she would like to see pictures of the surrounding properties immediately in the area and also pictures from Central Avenue to see where the driveway is.

Mr. Jolly asked if the basement is ground level in the back. Mr. Spearman said yes and 7 feet buried in the front; the basement utility (mechanical) room is also in the front.

Ms. Lawrence asked if the studio-office will be finished space. Village Engineer Pennella said this structure is shown on the village property card.

Ms. Rachlin asked about the studio-shed - if it is being enlarged? Mr. Spearman said it will be moved over. Village Engineer Pennella said the existing footprint is 200 s.f., so it will be an additional 50 s.f.

Ms. Weisel asked about 2<sup>nd</sup> floor if it extends over the studio. Mr. Spearman confirmed that it would.

Ms. Lawrence asked Mr. Spearman to go over the variances requested.

Mr. Spearman explained with regard to coverage, it is a skinny lot and the existing percentage is at maximum now, so anything we do would require more coverage.

With regard to side yard setbacks, 16 foot is required, which brings us into the middle of the property, so there really is no way to avoid setbacks.

With regard to the maximum height of stories, the way the village code is written, it is 3 stories, but the NYS code would consider it a 2 story structure. The NYS code does not add in structure depth. The village has a 50% rule, where 50% needs to be below.

The height variance is because we preferred a peak roof. The existing is 28.5 feet and is going to 32.5 ft. It actually appears as a less subtle home compared to the others on the street. He showed the Board a picture of the rear of the structure, a view from Central, and a picture of the structure they are moving.

Ms. Lawrence requested a visual to make sure the height fits into the neighborhood.

Ms. Weisel asked if Posca Service Center received a notice of hearing. Mr. Phelps said he received a certified mail. Mr. Pennella said they will be 4.2 feet away from property line so there will be more distance away from the buildings.

Mr. Phelps approached the dais and showed pictures on his phone to the Board Members. He showed all of the houses peeked. He showed the Tuohy's house and the neighbors and the house at the corner which has quite a dramatic peak. He showed the 4 family with the big cap on top of it and Posca's garage. All of these homes are higher.

Mr. Phelps said he is trying to mitigate drainage as well which is part of the problem. There are safety and water issues with the flat roof.

He also showed a picture on Washington St. and Central Avenue. On Washington Street, all the houses are peaked.

Ms. Lawrence asked when the house was built. Mr. Phelps said sometime between 1890 and 1910. Ms. Lawrence thanked Mr. Phelps for the pictures.

Mr. Pennella asked Mr. Spearman if there are any site improvements he can make that would alleviate the one story issue in our village code. Mr. Spearman said he is 11" away from satisfying the village code to make it a less than 3 story.

Mr. Phelps said the challenge for himself, is financially, he cannot afford any other house in Tarrytown. This is a one shot deal to get us another 10 years out of the house.

Mr. Spearman did more calculations and said that there are no other opportunities to build up because there are stairs on the other side and he cannot get the 11 inches he needs.

Ms. Lawrence asked if there are any other ways to reduce the variance. Mr. Spearman said he does not see any way.

Ms. Tuohy ask to return and said from her understanding, the roof line will not be the tallest structure on the elbow of the street. The house next door and #17 will be higher



and she will not be living in the shadow of this home. She thinks it still stays in conformity with the neighborhood.

Mr. Phelps if a condition could be imposed that a 3<sup>rd</sup> story could not be expanded in the future. Ms. Lawrence asked that a balloon test be done at the next site visit so that they can see this height. She would like one more site inspection. They do ask applicants to do this and we are asking you to show us where the height of the house will be as proposed. We are not looking at this negatively, but it does give us a visual.

She also requested that Mr. Phelps provide the pictures in the neighborhood and a street scape including the garage, which he showed from his phone to have this for the record.

Mr. Maloney moved, seconded by Ms. Lawrence, to continue public hearing to the February meeting. All in favor. Motion carried.

Mr. Jolly moved, seconded by Mr. Maloney, and unanimously carried, that the meeting be adjourned – 8:45 p.m.

Liz Meszaros  
Secretary